

Attorney Docket No: FSHR-008/00US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Albert P. MAGGIORE et al.

Serial No.: 09/771,919

Examiner: John A. Ricci

Confirmation No: 9069

Art Unit: 3711

Filed: January 30, 2001

For: **EXPRESSION-VARYING DEVICE**

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Issue Fee**  
Randolph Building  
401 Dulany Street  
Arlington, VA 22314

ISSUE FEE TRANSMITTAL

Transmitted herewith is a Fee(s) Transmittal (Form PTOL 85b) for the above-identified application.

Also enclosed is:

☒ Other: Comments on Statement of Reasons for Allowance

Fees:

☒ Issue Fee of \$1,400.00

☒ Publication Fee of \$300.00

☒ Other Fees: \$15.00 for 5 additional patent copies.

Total fee: \$1,715.00

Payment of Fees:

☒ A check in the amount of \$1,715.00 for the total fee is attached.

☐ Please charge \$\_\_\_ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

The Director is hereby authorized to charge any appropriate fees including the issue fee and publication fee, as well as any fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: November 28, 2005

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Respectfully submitted,  
**COOLEY GODWARD LLP**

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**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

A statement of reasons for allowance was set forth in the Notice of Allowance mailed on November 21, 2005, in connection with the above-identified application.

While the Applicants agree that the pending claims are allowable for at least the reasons set forth in the Examiner's statement, the Applicants submit that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner's statement. For example, Applicants note that the Examiner's statement addresses elements of the independent claims. Applicants note that the language of the claims as allowed defines the invention and the language in the Examiner's statement should not be construed as limiting the claims in any manner. Moreover, the claims contain recitations in addition to those stated by the Examiner that provide additional bases for patentability over the art of record. Accordingly, the Applicants reserve the right to pursue claims of different scope


than those in the present application. For example, such claims may not necessarily need to include the elements identified in the Examiner's Statement of Reasons for Allowance in the present application.

This statement commenting on the reasons for allowance is timely submitted.

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